

CITY COUNCIL AGENDA

COUNCIL CHAMBERS – 57 EAST FIRST STREET

Monday, June 23, 2008
5:45 P.M.

Invocation by Pastor Tommy Foster, Harmony Community Baptist Church.

Pledge of Allegiance.

Mayor's Welcome.

Recognize outgoing board and committee members.

CITIZEN PARTICIPATION

All citizens are permitted and encouraged to speak on agenda items. If you are interested in speaking on an agenda item, please fill out a blue card in the back of the room and give it to the City Clerk. When the Council considers the item, you will be called to the podium to provide your comments.

CONSENT AGENDA

All items listed with an asterisk (*) will be considered as a group by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember or citizen requests, in which event the item will be removed from the Consent Agenda and considered as a separate item. If a citizen wants an item removed from the consent agenda, a blue card must be completed and given to the City Clerk prior to the Council's vote on the consent agenda.

(Members of the Mesa City Council will attend either in person or by telephone conference call).

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1. Take action on all consent agenda items.
- *2. [Approval of minutes](#) of previous meetings as written.
3. Conduct a public hearing concerning the Five-year Capital Improvement Program for Fiscal Years ending 2009-2013.
4. Conduct a public hearing on the proposed Fiscal Year 2008-09 Budget Plan.
5. Conduct a public hearing concerning district cooling, irrigation water, natural gas, reclaimed water, solid waste, wastewater and water rate components fees and/or service charges increases.
6. Take action on an ordinance and resolution [modifying rates for district cooling](#) as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
7. Take action on an ordinance and resolution [modifying rates for natural gas utility services](#) as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
8. Take action on an ordinance and resolution [modifying rates for water utility services](#) as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
9. Take action on an ordinance and resolution [modifying rates for wastewater utility services](#) as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
10. Take action on an ordinance and resolution [modifying rates for solid waste utility services](#) as recommended by the Audit & Finance (Approval. Vote: 2-1, Rawles nay) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.

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11. Take action on an ordinance and resolution [modifying the Terms and Conditions for the Sale of Utilities](#) as recommended by the Audit & Finance (Approval. Vote: 3-0) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
12. Take action on an ordinance and resolution [modifying the fees and charges for Utility Customers](#) as recommended by the Audit & Finance (Approval. Vote: 3-0) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.
13. Take action on an ordinance and resolution [modifying the Utility Service Fees](#) as recommended by the Audit & Finance (Approval. Vote: 3-0) and Transportation & Infrastructure (Approval. Vote: 2-0, Truitt absent) Committees.

At this time the Mayor and Council will recess the Regular Council meeting and convene a Special Council meeting for the purpose of approving the Budget and Five-Year Capital Improvement Program.

RECONVENE THE REGULAR COUNCIL MEETING

14. Take action on the following liquor license application:
 - *14a. Tilted Kilt

New Restaurant License for Tilted Kilt, 1910 S. Gilbert Road, SBIG TKG LLC – Applicant, Randy D. Nations – Agent. The previous Restaurant License held at this location by Atomic 29, issued 01/08/2008, will revert back to the State.
(District 4)
15. Take action on the following contracts:
 - *15a. [Three-Year Supply Contract](#) for Optically Controlled Traffic Control Equipment for the Transportation Department, Traffic Engineering (Fire Bond Funding)

The Procurement Services Department recommends accepting the lowest, responsive and responsible bid from Global Traffic Technologies, LLC at \$191,050.73 annually, based on estimated quantities, including applicable use tax.

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- *15b. [Three-Year Supply Contract](#) for Modified Asphalt Binder for the Transportation Department, Field Operations

The Procurement Services Department recommends accepting the lowest, responsive and responsible bid from Wright Asphalt Product Co. at \$309,640.32 annually, based on estimated quantities, including applicable use tax.

- *15c. [Dollar Limit Increase to the Supply Contract](#) for Slurry Seal Sand for the Transportation Department, Field Operations Division (HURF Funded)

The Procurement Services Department recommends increasing the dollar limit of the contracts with Mesa Materials (primary) by \$85,000.00 to \$304,687.26, and A & A Materials (secondary) by \$25,000.00 to \$50,000.00, for a combined total of \$354,687.26 annually, including applicable sales tax, based on estimated requirements.

- *15d. Three-Year Supply Contract for Traffic Signal LED Modules for Warehouse Inventory **Deleted.**

- *15e. [Purchase of Additional Components](#) for the Commercial Stage at the Mesa Convention Center **(Sole Source)**

The Procurement Services Department recommends awarding the sole source bid to Sico America, Inc. at \$32,478.34, including applicable use tax and freight.

- *15f. [Purchase of a Replacement Commercial Performance Stage](#) for the Mesa Convention Center **(Single Bid)**

The Procurement Services Department recommends awarding the contract to StageRight Corporation at \$40,288.51, including applicable use tax and freight.

- *15g. [Purchase of Replacement Banquet Style Stacking Chairs](#) for the Mesa Convention Center

The Procurement Services Department recommends awarding the contract to the lowest, responsive and responsible bid from Virco, Inc. at \$114,973.08, including applicable use tax.

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- *15h. [Purchase of Fire Hoses](#) for the Mesa Fire Department
(Single Bid)

The Procurement Services Department recommends awarding the contract to L.N. Curtis & Sons at \$57,224.64, including applicable sales tax.

- *15i. [Three-Year Supply Contract for Uniform Garments](#) for the Fire Department

The Procurement Services Department recommends awarding contracts to the lowest, responsive and responsible bidders in each group, Larada Army Navy LLC dba Larada's Uniform & Supply Co. (Group A) at \$152,026.35 and United Fire Equipment Co. (Group B) at \$185,877.95, for a total award of \$337,904.30 annually, based on estimated requirements, including applicable sales tax.

- *15j. [Dollar Limit Increase and Two-Year Renewal](#) of the Supply Contract for Fire Protective Clothing for the Fire Department

The Procurement Services Department recommends increasing the dollar limit of the contract with United Fire Equipment Company by \$20,000.00 to \$372,986.81 for the contract period ending 6/30/08, and authorizing a two-year renewal of the contract at \$268,093.95 annually, based on estimated quantities, including applicable sales tax.

- *15k. [Ratification of Dollar Limit Increase](#) for the Purchase of Fire Pumper Trucks for the Fire Department (Partially Fire Bond Funded)

The Procurement Services Department recommends ratification of a dollar limit increase for two purchase orders on the contract with Pierce Manufacturing, Inc. at \$38,755.99 to provide funding for City of Phoenix and Maricopa County taxes.

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- *15l. [Three-Year Supply Contract for Pump Repair](#) and Deep Well Maintenance for the Utilities Department, Water Division

The Procurement Services Department recommends accepting the overall low bid by Weber Group, L.C. at \$375,000.00 annually, based on estimated requirements, for two separate contracts.

- *15m. [Three-Year Supply Contract for 69kV Transmission Poles](#) and Hardware for the Utilities Department, Electric Division

The Procurement Services Department recommends awarding contracts to the lowest, responsible and responsive bids by Valmont Ind., Inc. dba Valmont-Newmark at \$532,345.44 and HD Supply Utilities LTD at \$87,715.64, for a combined award of \$620,061.08 annually, including applicable taxes, based on estimated quantities.

- *15n. [Cancellation of the Contract to Purchase Three \(3\) Replacement Heavy-Duty Chassis Vehicles](#) with Roll-Off Container System for the Solid Waste Department

The Fleet Services and Procurement Services Departments recommend cancellation of the contract previously awarded to Inland Kenworth.

- *15o. [Mini-Bus Shelters - Phase 3](#), City of Mesa Project No. 01-505-005. **(Citywide)**

This project will prepare an additional ten (10) mini-shelters locations so shelters can be installed and equipped by City crews.

Recommend award to the low bidder, C T Price Contracting, Inc., in the amount of \$32,943.00 plus an additional \$3,294.30 (10% allowance for change orders) for a total award of \$36,237.30. Funding for this project is available from the approved FY 07/08 Mass Transit Capital budget.

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- *15p. [Desert Wells No. 17 Equipping Phase](#), City of Mesa Project No. 01-616-002. **(District 6)**

This project will install the necessary above ground piping, electrical, and chlorination equipment so the City can put this well in operation.

Recommend award to the low bidder, Weber Group, LC, in the amount of \$966,059.00 plus an additional \$96,605.90 (10% allowance for change orders) for a total award of \$1,062,664.90. Funding for this project is available in the preliminary FY 2008/09 Capital Water Bond Program.

- *15q. [Rhodes Junior High School Pool Sewer Line Relocation](#), City of Mesa Project No. 01-861-002. **(District 3)**

This project will relocate the sewer line to avoid conflict when the main pool building is demolished and re-constructed with a larger footprint than the existing building it will extend over the top of an existing sewer line.

Recommend award to the low bidder, Spire Engineering, LLC, in the amount of \$31,500.00 plus an additional \$3,150.00 (10% allowance for change orders) for a total award of \$34,650.00. Funding for this project is available from the approved FY 07/08 Aquatics Capital Budget (Quality of Life funds).

- *15r. [Falcon Field Airport, Vehicle Access Control \(Phase III\)](#), City of Mesa Project No. 06-042-001. **(District 5)**

This project will construct a new 8-foot high chain link fence and six new motorized gates along specific sections to provide a controlled access to Falcon Field Airport.

Recommend award to the low bidder, Norquay Construction, Inc., in the amount of \$949,184.20 plus an additional \$94,918.42 (10% allowance for change orders) for a total award of \$1,044,102.62. Funding for this project is available from existing Federal (FAA) Grants AIP No. 3-04-0023-14 and No. 3-04-0023-16, new Grant AIP No. 3-04-0023-17, State – matching grants, and the Preliminary FY 2008/09 Falcon Field Airport Capital Budget.

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- *15s. [Mesa Amphitheater Lighting Renovation](#), City of Mesa
Project No. 07-007-001. **(District 4)**

This project will remove existing theatrical lighting and dimming system, which has become obsolete. New isle lights will be installed to take the place of the existing isle lighting to provide emergency egress lighting.

Recommend award to the low bidder, Sunbelt Electric, Inc., in the amount of \$98,682.00 plus an additional \$9,868.20 (10% allowance for change orders) for a total award of \$108,550.20. Funding for this project is available from the approved FY 07/08 Parks and Recreation Commercial Facilities budget.

- *15t. [HVAC Replacement at East Mesa Service Center](#), Utilities Building (7115 E. Adobe) & Public Training Facility (3260 N. 40th St.), City of Mesa Project No. 07-009-002. **(District 2 and 5)**

This project will replace the HVAC units at these locations. They have been identified as being at the end of their service life and scheduled to be replaced.

Recommend award to the low bidder, J E Bowen Construction, LLC, in the amount of \$126,637.00 plus an additional \$12,663.70 (10% allowance for change orders) for a total award of \$139,300.70. Funding for this project is available from the approved FY 07/08 Facilities Maintenance budget.

- *15u. [Roofing Maintenance/Improvements](#) at Various City Buildings, City of Mesa Project No. 07-906-001. **(District 4)**

This project will install a new foam roof or sprayed on coating at the following locations: Municipal Building (55 N. Center St.), Transportation Building (300 E. 6th St.), Printing and Graphics Building (316 E. 6th St.), Center Against Family Violence Building (225 E. 1st St.), and the Mesa Arts Center Building (1 E. Main St., Buildings 1 and 2).

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Recommend award to the low bidder, Foam Experts, Inc., in the amount of \$191,111.00 plus an additional \$19,111.00 (10% allowance for change orders) for a total award of \$210,222.00. Funding is available from the approved FY 07/08 Facilities Maintenance budget.

- *15v. [2008/2009 Sewer Video Recording Contract](#), City of Mesa Project No. 07-916-001. **(Citywide)**

This is an annual contract to perform video recording inspections on City Capital Improvement Projects and Development Projects for the upcoming fiscal year.

Recommend award to the low bidder, Pipeline Video Inspection LLC, in the amount of \$64,100.00 plus an additional \$6,410.00 (10% allowance for change orders) for a total award of \$70,510.00. These services will be charged to the individual Wastewater Capital Projects for which the sewer line video inspection is performed.

16. Introduction of the following ordinances and setting July 1, 2008, as the date of the public hearing on these ordinances:

- *16a. [**Z08-32 \(District 1\)**](#) East and West of Dobson Road, along the 202 Freeway (south side). Modification of a Council Use Permit (Ordinance #4312). This request is to consider an additional freeway landmark monument sign with a double-sided electronic message display at the Riverview development. DeRito Kimco Riverview LLC – Doug Himmelberger, owner; Young Electric Sign Company – Kelee Walton, applicant. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.)***

P&Z Recommendation: Approval with Conditions. (Vote: 7-0)

DRB Recommendation: Approval with Conditions. (Vote: 4-1-1 with Boardmembers Bottomley, nay, DiBella, abstaining and Delight absent)

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- *16b. [**Z08-33 \(District 5\)**](#) 8348 East Plymouth. Located west of Hawes Road north of McDowell Road (1.01+ acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Brian and Carrie Rogerson, owners; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

- *16c. [**Z08-34 \(District 5\)**](#) 8132 East Culver Street. Located west of Hawes Road south of McDowell Road (1.13+ acres). Rezone from Maricopa County R1-35 to City of Mesa R1-35. For the establishment of City of Mesa zoning on recently annexed property. Thomas and Cathleen Kane, owners; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

- *16d. [**Z08-35 \(District 6\)**](#) The 6900 block of South Ellsworth Road (east side). Located south of Pecos Road and east of Ellsworth Road (0.01+ acres). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Williams Gateway Airport Authority, owner; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

- *16e. [**Z08-36 \(District 6\)**](#) The 6800 to 6900 block of South Ellsworth Road (west side). Located south of Pecos Road and west of Ellsworth Road (0.08+ acres). Rezone from Maricopa County Rural-43 to City of Mesa R1-43. For the establishment of City of Mesa zoning on recently annexed property. Williams Gateway Airport Authority, owner; City of Mesa, applicant.

PHO Recommendation: Approval with Conditions.

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17. Take action on the following resolutions:

- *17a. [Modifying fees and charges for the Building Safety Division](#) as recommended by the Audit & Finance Committee. (Approval. Vote: 3-0) **(Continued from the June 2, 2008 Council Meeting)**
- *17b. [Modifying residential fees and charges for the Planning Division](#) as recommended by the Audit & Finance Committee. (Approval. Vote: 2-1, Rawles nay) **(Continued from the June 2, 2008 Council Meeting)**
- *17c. [Approving and supporting the submittal of a grant application by the Junior Achievement of Arizona, Inc.](#) to the Fort McDowell Yavapai Indian Nation in the amount of \$120,000 over three years to provide programs at Mesa schools.
- *17d. [Extinguishing a portion of a Public Utilities Easement](#) at 1508 North Alta Mesa Drive **(District 5)**
- This portion of the easement is no longer required as the design of the property has changed and the new plat will dedicate new easements.
- *17e. [Granting a Power Distribution Easement to Salt River Project](#) on City-owned property at 10950 East Elliot Road **(District 6)**
- This easement is necessary to provide electrical facilities and power to the future South CAP Water Treatment Plant.
- *17f. [Vacating an alley located north of Huber Street](#), between North Gaylord Circle and North 25th Street **(District 1)**
- This alley is being vacated at the request of the adjacent property owners to better secure the area. A Public Utility and Facilities Easement will be retained for access by the utility companies.

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- *17g. [Extinguishing a portion of a Public Utility and Facilities Easement](#) at 2232 South Valle Verde Street **(District 6)**

The portion of this easement is being extinguished to allow the construction of a backyard ramada.

- *17h. [Granting a Public Utilities and Facilities Easement](#) along the south side of the East McLellan Road alignment, west of North Hawes Road **(District 5)**

This easement is necessary for the installation of a sanitary sewer line facility to accommodate several subdivisions in the Mountain Bridge Development.

- *17i. [Vacating a portion of South Sunview Street](#), northeast of Recker Road and Baseline Road **(District 6)**

This portion of street right-of-way is being vacated at the request of the property owners as the street is being redesigned as a private drive.

18. Discuss, receive public comment, and take action on the ordinances introduced at a prior Council meeting. Any citizen that wants to provide comment should submit a blue card to the Clerk before the item is voted on. If a citizen wants to comment on an item listed with an asterisk (*), a blue card must be given to the Clerk before Council votes on the consent agenda.

- *18a. [Amending Title 5, Chapter 13, Section 2 of the Mesa City Code](#) to change the name of the Residential Development Tax to Solid Waste Residential Development Tax and adjusting the rate as recommended by the Audit & Finance Committee. (Approval. Vote: 3-0)

- *18b. [Amending Title 5, Chapter 10 of the Mesa City Code relating to Privilege and Excise Taxes](#). This amendment includes an annual renewal and a renewal fee, late application penalty fee and addition of a Transient Privilege License category for those business activities operating for a temporary period of less than thirty days as recommended by the Audit & Finance Committee. (Approval. Vote: 3-0)

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- *18c. [Repealing Title 5, Chapter 19 of the Mesa City Code relating to fortune telling licenses](#) as recommended by the Audit & Finance Committee. (Approval. Vote: 3-0)
- *18d. [Z07-120 \(District 6\)](#) 423 South Signal Butte Road. Located on the south side of Broadway Road and the east side of Signal Butte Road (13.5+ acres). Rezone from R1-6-PAD to R1-6 and C-2 and Site Plan Review for the development of a neighborhood commercial center for the western most 4.64 acres of the property. Tom Alford, DeRito Partners Development, Inc., owner; Michelle Santoro, Whitney Morris, P.L.C., applicant; Tom Meeks, Erickson & Meeks Engineering, L.L.C., engineer. ***(Held a neighborhood meeting, notified property owners, homeowners associations and registered neighborhoods.) (Continued from the January 22, 2008, March 17, 2008, April 21, 2008, and May 19, 2008, Council Meetings).***

P&Z Recommendation: Approval with Conditions. (Vote: 7-0).
- *19. [Authorizing the City Manager to enter into an agreement](#) with the Mesa Convention & Visitors Bureau to continue promoting tourism and convention business in Mesa.
- *19.1. Take action on the [adoption of a Notice of Intent](#) to enter into a retail development tax incentive agreement with Empire Southwest, LLC, The John Whiteman Trust A, and BCH Management, LLC for the annexation and development of +/- 43.6 acres plus the development +/- 11 acres, generally located south of the U.S. 60 Freeway and east of Country Club Drive.
- *20. Take action on the following subdivision plat:
 - *20a. [“AQUATERRA RESIDENCES” \(District 3\)](#) 1038 West Grove Avenue (north side) located south and east of Southern Avenue and Alma School Road. 341 C-2-BIZ-DMP CUP condominium units (4.9 ac.) TR Alma Partners, LLC, Thomas Roszak, owner; Stantec Consulting, Inc., Steven R. Long, land surveyor.
- 21. Items from citizens present. (Maximum of three speakers for three minutes per speaker).